

# HOUSING AND REGENERATION ACT 2008

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## EXPLANATORY NOTES

### STRUCTURE OF THE ACT

#### **Part 3 – Other Provisions**

#### *Chapter 1 - Sustainability certificates*

#### **Supplementary**

#### *Section 287 - Grants*

817. This section allows the appropriate national authority to make grants towards the development and subsequent operation of a register under section 282 (*subsection (1)(a)*). Grants may also be made towards the development and operation of accreditation schemes or any other provision to be made in regulations under the Chapter (*subsection (1)(b)*). Such a grant may be subject to conditions including conditions for the purposes for which it may be used, and for full or partial repayment of it in specified circumstances (*subsection (2)*).

#### *Section 288 - Suspension of duties*

818. This section allows the appropriate national authority, by regulations, to suspend and revive the operation of any duty imposed by section 279 (*subsection (1)*). Suspension may be for a specified time only, and a duty that has been revived may be suspended again (*subsections (2) and (3)*).

#### *Section 289 - Disclosure of certificates*

819. This section empowers the appropriate national authority to make regulations about the disclosure of sustainability and interim certificates, statements of non-assessment, any information derived from such documents, and any information collected by an authorised assessor in preparing a certificate (*subsection (1)*). The disclosure without reasonable excuse of anything whose disclosure is prohibited by regulations under *subsection (1)* is a summary offence punishable by a fine not exceeding level 5 on the standard scale, currently £5,000 (*subsection (2)*).

#### *Section 290 – General powers to make regulations*

820. This section allows the appropriate national authority to make provision for the general purposes, or any particular purpose of the Chapter, or in consequence of any provision made under the Chapter or for giving full effect to it (*subsection (1)*). Such regulations may in particular provide for:

- the form and content of certificates and statements of non-assessment, or for the form and content of such documents to be such as the appropriate national authority may approve;
- ways in which sustainability standards can be met;

- the issue of guidance; and
- any interaction between provision under the Chapter with provision made by other enactments in relation to home information packs or energy performance certificates (*subsections (2) to (4)*).

***Section 291 - Powers to extend Chapter***

821. This section allows the appropriate national authority to extend the provisions of the Chapter to:
- non-residential buildings;
  - newly converted buildings, both residential and non-residential; or
  - prescribed descriptions of properties within any of these categories (*subsections (1), (2) and (5)*).
822. A property is newly converted for the purposes of the Chapter if it has been converted but not yet used for its intended purpose, is being converted, or its conversion is being designed (*subsection (3)*), and regulations may provide for the circumstances in which a building is to be treated as converted (*subsection (4)*).
823. The section further allows for the appropriate national authority to broaden by regulations the definition of a purchaser in section 292(1) so as to include descriptions of persons who are taking steps with a view to deciding whether to purchase residential properties (*subsections (6) and (7)*).

***Section 292 - Chapter 1: interpretation etc.***

824. This section provides for definitions of terms and phrases used in the Chapter (*subsections (1) to (7)*). *Subsection (1)* defines a purchaser as a person who has made an offer to purchase a property or has purchased it. Non-compliance with any requirement of the Chapter does not invalidate a sale or purchase of a property (*subsection (8)*).

***Section 293 – Index of defined expressions: Chapter 1***

825. This section sets out the definitions of key terms used in the Chapter.